

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION

UNITED STATES OF AMERICA

v.

CHARLES MASIN

(Name and Address of Defendant)

FILED

JAN - 6 2003

MAGISTRATE JUDGE LEVIN

CRIMINAL COMPLAINT

CASE NUMBER:

03CR00007

MICHAEL W. DOBBINS

CLERK U.S. DISTRICT COURT

I, the undersigned ~~clerk~~ being duly sworn state the following is true and correct to the best of my

knowledge and belief. On or about January 5, 2003 in Cook county, in the Northern District of Illinois defendant(s) did, (Track Statutory Language of Offense)

travel in interstate commerce for the purpose of engaging in a sexual act with a person under 18 years of age that would be a violation of chapter 109A if the sexual act occurred in the special maritime and territorial jurisdiction of the United States,

DOCKETED

JAN 7 2003

in violation of Title 18 United States Code, Section(s) 2423(b).

I further state that I am a(n) Special Agent, Federal Bureau of Investigation and that this complaint is based

Official Title

on the following facts:

See attached affidavit.

Continued on the attached sheet and made a part hereof: X Yes No

Suzanne L. Beckerman

Signature of Complainant

Sworn to before me and subscribed in my presence,

January 6, 2003
Date

at Chicago, Illinois
City and State

Ian H. Levin, United States Magistrate Judge Name &
Title of Judicial Officer

Ian H. Levin
Signature of Judicial Officer

UNITED STATES DISTRICT COURT)
) SS
NORTHERN DISTRICT OF ILLINOIS)

AFFIDAVIT

I, Suzanne L. Beckerman, being duly sworn, do hereby
depose and state:

I. INTRODUCTION

1. I have been a Special Agent with the Federal Bureau of Investigation (FBI) for eleven months. As part of my responsibilities as a Special Agent, I have received training in Child Death and Child Injury Investigations. As part of my Crimes Against Children assignment, I have worked closely with Detectives and Deputies of the Cook County Sheriff's Police Department, Child Exploitation Unit and Inspectors of the United States Postal Service. The purpose of the Child Exploitation Unit is to identify and proactively investigate the activities of persons suspected of sexually exploiting or sexually abusing children, oftentimes by the use of e-mail and the Internet.

2. As part of my work, I have conducted several child sexual abuse or child sexual exploitation investigations. Many of these investigations involved persons suspected of distributing and receiving child pornography.

3. In addition to my experience, I have received training in the investigation of computer-related crimes. I have personal knowledge in the operation of a computer. Based on this training and knowledge, I know the following:

- a. The Internet is a worldwide computer network that connects computers and allows communications and the transfer of data and information across state and national boundaries. The Internet itself is broken down into three major parts: The World Wide Web (www), Usenet Newsgroups, and the Internet Relay Chat (IRC).
- b. Individuals who use the Internet can communicate with each other by using electronic mail, also known and referred to herein as "e-mail," or by using instantaneous private messaging communications. E-mail is an electronic form of communication that can contain letter-type correspondence and graphic images. E-mail is similar to conventional paper-type mail in that it is addressed from one individual to another.
- c. An e-mail message usually contains a "header" that provides the sender's screen name, the identity of the Internet access provider, and the return address on the Internet of the individual who originated the message or graphic.
- d. AOL Instant Messenger is a free network service that uses the connection that is established with the Internet Service Provider (ISP). The AOL Messenger software is downloaded and the user creates an account and personal screen name. This

account and the screen name are the same and allow the user access to the entire AOL network.

- e. AOL Instant Messenger allows users to communicate and transfer files. Communications can occur privately, between users or among a group. Communications between users occurs via instant messaging or using the webcam feature which allows a user to view another in real time utilizing a small camera attached to the user's computer. Even though a user is offline, messages sent to a user can still be retrieved.
- f. An AOL Instant Messenger user is specifically identified by the nickname or screen name that she or he entered in connecting to AOL Instant Messenger.

4. The information contained within this affidavit is based on my personal observations and training, as well as on information related to me by other law enforcement officers. This affidavit does not, however, contain everything I know about this investigation or all the information, obtained during the course of this investigation.

5. This affidavit is made in support of a complaint charging CHARLES J. MASIN with violating Title 18, United States Code, Section 2423(b), which states:

A person who travel in interstate commerce, or conspires to do so . . . for the purpose of

engaging in any sex act . . . with a person under 18 years of age that would be in violation of chapter 109A if the sexual act occurred in the special maritime and territorial jurisdiction of the United States shall be fined under this title, imprisoned not more than 15 years, or both.

Similarly, 720 ILCS § 5/11-9.1 prohibits the sexual exploitation of a child:

(a) Any person commits sexual exploitation of a child if in the presence of a child and with intent or knowledge that a child would view his or her acts, that person:

(1) engages in a sexual act; or

(2) exposes his or her sex organs, anus or breast for the purpose of sexual arousal or gratification of such person or the child.

6. The following terms have the indicated meaning in this affidavit:

- a. The term "sexual act" as used herein is defined as set forth in 18 U.S.C. § 2246(2).
- b. The term "computer" as used herein is defined as set forth in 18 U.S.C. § 1030(e)(1).

THE INVESTIGATION

7. Detective Peter Dudek of the Schaumburg Police Department routinely enters Internet "chat rooms" while posing as a minor child. On or about December 21, 2002, Detective Dudek was acting in an undercover capacity as a 15 year old girl using the screen name "Lizzypme15" (hereinafter "Lizzy") The Detective was utilizing AOL Instant Messenger software on an undercover computer. The Detective went to an AOL chat room named "I LOVE OLDER MEN."

There, MASIN, utilizing the screen name "FUNWILD0," (in later chats, MASIN used the screen name "FUNWILD01" and identified his name as "Charlie") initiated a computer "chat" conversation with "Lizzy" which lasted approximately one hour and fifteen minutes.

8. During this "chat", MASIN related that he was from the Beloit area of Wisconsin. MASIN also wrote "u know we would have to be discrete." When "Lizzy" asked why, MASIN responded, "the age difference." Throughout the "chat", MASIN made severally sexually explicit comments, such as "i love to eat pussy till my partner cums and beyond" and "may i ask if u r trimmed or shaved and ur tit size." "Lizzy" emailed MASIN a picture of a female police officer dressed as a juvenile girl.

9. In another AOL computer "chat" on December 23, 2002, regarding a possible upcoming meeting between MASIN and "Lizzy," MASIN wrote, "maybe we can meet in public and you treat me like im ur father," and "when you see me call me daddy." MASIN also asked "Lizzy" if she was on birth control by writing, "r u on b/c?" During this "chat," MASIN wrote, "i really want to spend at least 2 hrs eating whats between ur legs" and asked "Lizzy" if he could bring a camera because he likes to take pics. MASIN also wrote, "but in case we do anything please bring a second pair of panties," "if you wouldnt mind id like to keep the pair u wear to meet me," and "if we do anything id like for u to

put the pair u wear to the meeting in my mouth inside out." MASIN mentioned during the "chat" that he could not mail "Lizzy" any panties, but would bring panties with him when they met because "I also have to worry that you might be the law. you know what i mean" and "if i said to send the panties in the mail and you were the law i would be arrested." When "Lizzy" asked, "really for what i don't get it," MASIN wrote, "enticement of a minor."

10. On December 23, 2002, Schaumburg Police Officer Kendra Ziebell, acting in an undercover capacity, received a phone call from MASIN. MASIN stated that he did not want anybody finding out about their conversation because people would not understand. MASIN advised that he uses a disposable calling card that could not be traced on caller i.d. MASIN stated that he would like for the relationship between he and "Lizzy" to become long term, but would not rush things. MASIN emphasized that he wanted to satisfy his partners and wanted "Lizzy" to know if she wasn't comfortable at first, she could ask him to get himself off. MASIN stated that he had a toe fetish and promised that "Lizzy" would cum when he sucked her toes.

11. On or about December 30, 2002, during an AOL chat, MASIN asked "Lizzy", "can i tie u up?" "Lizzy" asked how MASIN would tie her up and MASIN wrote, "a rope." During the chat, MASIN also asked, "how do u feel about spankings?" and told "Lizzy" that he liked "for a lady like you to be

rough with my balls and dick." MASIN also discussed bringing silk panties to their meeting. "Lizzy" advised she was a size 5.

12. On or about January 1, 2003, Officer Ziebell, acting in an undercover capacity as "Lizzy", received a phone call from MASIN. MASIN stated that he wanted to know if he could meet her in person and promised to "bring protection." MASIN wanted to know if "Lizzy" would "leave the door open" in the future to conceive a child with him. MASIN stated that he wanted to meet this weekend.

13. On or about January 2, 2003, during an AOL "chat", MASIN stated he wanted to come up this weekend. "Lizzy" arranged to meet with MASIN at the Streets of Woodfield in Schaumburg, Illinois on January 5, 2003. A meeting place of Starbucks Coffee was discussed during this "chat" for 11:00 a.m. on Sunday, January 5, 2003. MASIN advised, during a phone conversation with Officer Ziebell acting in an undercover capacity, that he would be driving a green Dodge Caravan and wearing a red, Disney jacket.

14. During a "chat" on January 3, 2003, "Lizzy" wrote, "i hope u don't mind me saying his but you make me feel so much older than 15, unlike all those jerks i go to school with. MASIN responded by writing, "thank you." "Lizzy" also wrote MASIN that she would be wearing a light green jacket, light blue jeans, a maroon sweatshirt, and a hat.

15. On January 4, 2003, while "chatting", MASIN asked,

"question is there anyway ur mom can check puter?" "if she can u need to erase the history." "Lizzy" responded by advising she has her own screen name and password. MASIN proceeded by writing, "but i think for saftey sake we both should be deleting our historys."

ARREST AND POST-ARREST STATEMENT AND CONSENT-SEARCH

16. On January 5, 2003, FBI Special Agent (SA) Amy E. Robertz, operating in an undercover capacity as a 15 year old girl went to the Starbucks Coffee in Schaumburg, IL and took a seat. SA Robertz was not the individual depicted in the picture that "Lizzy" had sent to MASIN earlier. SA Robertz was wearing light green jacket, light blue jeans, a maroon sweatshirt, and a hat.

17. As law enforcement agents watched, MASIN arrived at the Starbucks in a green Plymouth van and circled the restaurant numerous times in his car, before entering the Starbucks. MASIN was wearing a red Disney jacket, as he had promised he would. MASIN sat in the restaurant for some time, before leaving. After MASIN left, SA Robertz walked out of the Starbucks and stood in front of the store. After that point, MASIN approached SA Robertz and said, "You told me you would be wearing a black jacket." Shortly thereafter MASIN was taken into custody.

18. MASIN waived his *Miranda* rights both orally and in writing. MASIN admitted driving that day from Janesville, Wisconsin with the intention of meeting the 15 year old girl

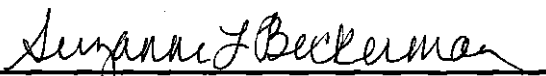
he knew as "Lizzy." In a written statement, MASIN acknowledged that he made the trip "with the possibility of having sex with her."

19. After MASIN gave written consent, his van was searched, and law enforcement agents found four (4) 2-packs of women's panties (all size 5, one thong size 9), one can of Jovan Musk for Women, one box of candy canes, one blanket, and a hammer.

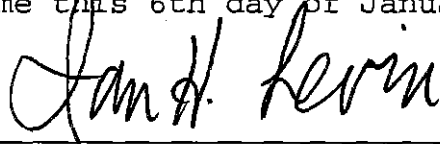
CONCLUSION

20. Based on the foregoing, my training and experience, and the training and experience of other federal law enforcement officers with whom I have spoken, I believe that there exists probable cause that CHARLES J. MASIN has violated Title 18, United States Code, Section 2423(b).

Further affiant sayeth not.


Special Agent
Suzanne L. Beckerman
Federal Bureau of
Investigation

Subscribed and sworn to before
me this 6th day of January, 2003.



Ian H. Levin
U.S. Magistrate Judge